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PL070823

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject:	Site Plan
Referred by:	1358023 Ontario Limited
Property Address/Description:	Part of Lot 5, Concession 7, municipally known as 7760 Markham Road
Municipality:	Town of Markham
OMB Case No.	PL070823
OMB File No.	M070087

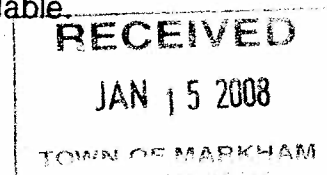
APPOINTMENT FOR HEARING

The Ontario Municipal Board hereby appoints **Wednesday, March 12, 2008, at 10:00 A.M. at the Town of Markham, Markham Civic Centre, Canada Room, 101 Town Centre Boulevard, Markham, Ontario** for the commencement of the hearing of this appeal. The Board has set aside three (3) days for this hearing.

All parties and participants should attend at the start of the hearing at the time and date indicated, irrespective of the number of days scheduled. Hearing dates are firm - adjournments will not be granted except in the most serious circumstances, and only in accordance with the Board's Rules on Adjournments.

If you do not attend and are not represented at this hearing, the Board may proceed in your absence and you will not be entitled to any further notice of the proceedings.

In the event the decision is reserved, persons taking part in the hearing and wishing a copy of the decision may request a copy from the presiding Board member or, in writing, from the Board. Such decision will be mailed to you when available.



Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 326-6800, au moins 20 jours civils avant la date fixée pour l'audience.

DATED at Toronto, this 11th day of January, 2008.

PATRICK HENNESSY
SECRETARY

ONTARIO MUNICIPAL BOARD RULES ON ADJOURNMENT

Comments on Adjournments of Proceedings (Rules 61 to 65 below):

The Board will not often grant adjournments (later dates) for hearings or other proceedings. Parties and the Board spend time and money in giving notice, preparing and travelling for hearing events, and this is wasted if they are cancelled at the last minute. If the request is presented at the last moment, the Board may refuse the adjournment and proceed with the hearing. If, on the other hand, settlement discussions are reasonably nearing completion, the Board may agree to a delay. The main consideration is whether an adjournment is necessary to permit a fair hearing, versus the cost of any delay for all parties. Hiring a lawyer or planner shortly before a hearing, for example, is not a reason for an adjournment.

Parties should prepare for a hearing shortly after the appeal is submitted. They should not wait until notice of hearing is sent. Performance standards required for tribunals mean that the Board is setting hearing dates earlier than in the past.

If a matter is adjourned, the Board will pick a new date for it to proceed unless there is a good reason to leave it undecided (e.g. it is dependent upon a decision of a court).

61. Hearing Dates Fixed Hearing events will take place on the date set unless the Board agrees to an adjournment (later date).

62. Requests for Adjournment if All Parties Consent If all of the parties agree, they may make a written request to postpone a hearing event. The request must include the reasons, a suggested new date and the signed consents of all parties. However, the Board may require that the parties attend in person to argue for an adjournment, even if all of the parties consent.

63. Requests for Adjournment Without Consent If a party consulted objects to an adjournment request, the party requesting the adjournment must bring a motion under Rule 34 at least 10 days before the date set for the hearing event. If the reason for an adjournment arises less than 10 days before (see Rule 64), the party must give notice of the request to the Board and to the other parties, and serve their motion materials as soon as possible. If the Board refuses to consider a request made late, any motion for adjournment must be made in person at the beginning of the hearing event.

64. Emergencies Only The Board will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witnesses cannot be obtained. The Board must be informed of these emergencies as soon as possible.

65. Powers of the Board upon Adjournment Request

The Board may,

- a. grant the request;
- b. grant the request and fix a new date; or where appropriate, the Board will schedule a prehearing conference about the status of the matter;
- c. grant a shorter adjournment than requested;
- d. deny the request, even if all parties have consented;
- e. direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- f. grant an indefinite adjournment, if the request is made by the applicant or proponent and is accepted by the Board as reasonable, and the Board finds no substantial prejudice to the other parties or to the Board's schedule. In this case the applicant or proponent must make a request that the hearing be rescheduled;
- g. convert the scheduled date to a mediation or prehearing conference; or make any other appropriate order.
- h. make any other appropriate order.